

Update: Sexual Assault Benchbook

CHAPTER 5

Bond and Discovery

5.4 Procedures for Issuing Conditional Release Orders

C. Required Findings by Judge or District Court Magistrate

Effective June 24, 2004, MCL 765.6 was amended by 2004 PA 167. Replace the quote of MCL 765.6(1) in the middle of page 253 with the following:

“(1) Except as otherwise provided by law, a person accused of a criminal offense is entitled to bail. The amount of bail shall not be excessive. The court in fixing the amount of the bail shall consider and make findings on the record as to each of the following:

“(a) The seriousness of the offense charged.

“(b) The protection of the public.

“(c) The previous criminal record and the dangerousness of the person accused.

“(d) The probability or improbability of the person accused appearing at the trial of the cause.

“(2) If the court fixes a bail amount under subsection (1) and allows for the posting of a 10% deposit bond, the person accused may post bail by a surety bond in an amount equal to 1/4 of the full bail amount fixed under subsection (1) and executed by a surety approved by the court.”